

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

OLIVIA Y., *et al.*

PLAINTIFFS

v.

CIVIL ACTION NO. 3:04CV251LN

HALEY BARBOUR, as Governor of the State of Mississippi, *et al.*

DEFENDANTS

**PLAINTIFFS' UNOPPOSED MOTION FOR APPROVAL OF SETTLEMENT
REGARDING PLAINTIFFS' ATTORNEYS' FEES AND ORDER OF NOTICE
TO THE CLASS**

Plaintiffs move the Court pursuant to Rules 23(h) and 54(d)(2) of the Federal Rules of Civil Procedure for approval of the parties' settlement regarding Plaintiffs' attorneys' fees and expenses in the amount of \$4,863,557.50, after proper notice to the Class.

The parties have agreed on a proposed Order and Notice of Proposed Fees Settlement (submitted herewith). The proposed Notice sets forth the material terms of the proposed fees settlement and comports with Rule 23(h) and the requirements of due process. The Notice describes the process for Class members who wish to object to the settlement regarding Plaintiffs' attorneys' fees and sets the deadline for filing such objections. The parties, of course, stand ready to make such modifications to the Notice as the Court directs.

Plaintiffs respectfully request that the Court approve the proposed settlement regarding Plaintiffs' attorneys' fees after directing that Defendants publish the agreed-

upon Notice of Proposed Fees Settlement to the Class members in accordance with the agreed-upon terms of the proposed Order, and after consideration of any objections that may be filed.

Respectfully submitted, this 9th day of May, 2008.

/s Eric Thompson

Marcia Robinson Lowry (MBN 43991 *pro hac vice*)

Eric E. Thompson (MBN 43993 *pro hac vice*)

Shirim Nothenberg (MBN 43990 *pro hac vice*)

CHILDREN'S RIGHTS

330 7th Avenue, 4th floor

New York, New York 10001

Telephone: (212) 683-2210

W. Wayne Drinkwater, Jr. (MBN 6193)

Melody McAnally (MBN 101236)

BRADLEY ARANT ROSE & WHITE LLP

188 East Capitol Street, Suite 450

Jackson, Mississippi 39201

Telephone: (601) 948-8000

Facsimile: (601) 948-3000

Stephen H. Leech (MBN 1173)

618 Crescent Boulevard, Suite 103

Ridgeland, Mississippi 39157

P. O. Box 3623

Jackson, Mississippi 39207

Telephone: (601) 607-4172

John Lang (MBN 43987 *pro hac vice*)

Christian Carbone (MBN 43986 *pro hac vice*)

John Piskora (MBN 44474 *pro hac vice*)

LOEB & LOEB LLP

345 Park Ave.

New York, New York 10154

Telephone: (212) 407-4000

PLAINTIFFS' COUNSEL

CERTIFICATE OF SERVICE

I hereby certify that on May 9, 2008, I electronically filed the foregoing Plaintiffs' Unopposed Motion for Approval of Settlement Regarding Plaintiffs' Attorneys' Fees and Order of Notice to the Class with the Court using the ECF system, which sent notification of such filing to the following:

Dewitt L. ("Rusty") Fortenberry Jr., Esq.
Kenya Key Rachal, Esq.
Gretchen L. Zmitrovich, Esq.
Ashley Tullos Young, Esq.
BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC
428 I-55 North
Meadowbrook Office Park
Jackson, Mississippi 39211
(601) 351-2400

Harold E. Pizzetta, III, Esq.
Assistant Attorney General
General Civil Division
Carroll Gartin Justice Building
430 High Street
Jackson, Mississippi 39201

Attorneys for Defendants Haley Barbour, et al.

/s Eric Thompson